



Waganakising Odawak
Little Traverse Bay Bands of Odawa Indians
Frank Ettawageshik, Tribal Chairman
7500 Odawa Circle, Harbor Springs, Michigan 49740
Phone 231-242-1401 • Fax 231-242-1412

CITIZENSHIP STATUTE REGULATIONS
REG WOS-2008-006 051209-001

- I. Introduction and explanation:** The Regulations below are not required by the Citizenship Statute, WOS 2008-06, however these regulations have been deemed necessary to more clarify the law. In accordance with the Administrative Procedures Statute, WOS 2008-001, the Executive may develop Regulations for such Statutes that the Executive deems necessary for the implementation of the intent of the Statute and shall forward such Regulations to the Tribal Council for approval.
- II. Definitions:**
- A. **Citizenship Adoption:** Applies to persons 15 years of age and up with 15 years of residency, proof of residency and proof of substantial community ties.
 - B. **Family Adoption:** A LTBB Citizen adopts an Indian child that is from another Federally Recognized Tribe with at least 1/4 Indian blood quantum.
 - C. **Membership Rights of LTBB Indian Children adopted by Non-member Indian or Non-Indian Families:** The Enrollment Officer petitions the court for sealed records and issues if appropriate, a confidential Certificate Degree of Indian Blood.
 - D. **Immediate Family:** “Immediate family” means: wife, husband, son, daughter, mother, father, brother, sister, step-mother, step-father, step-brother, step-sister, father-in-law, mother-in-law, child and step-child, grandmother, grandfather, brother-in-law and sister-in-law.
 - E. **Length of Residency:** A person that applies for citizenship adoption shall have resided within the 1836 Reservation for a period of at least fifteen (15) years.

F. **Residency:** is the place where a person maintains a house within the 1836 Reservation.

- a. **Residency of a Minor Child:** The residence of a minor child age fifteen (15) and up is presumed to be the legal residence of the parent(s) or guardian(s) who have physical custody of the child.

III. **Demonstration of Substantial Community Ties.**

A. **Strong Commitment to the Tribe includes:** A Notarized Affidavit signed by a LTBB Elder stating the applicant's strong community ties as evidenced by participation in one or more of the following: Volunteerism at Tribal functions; Sports; Jiingtamok (Pow Wow), Language Studies; or Ghost Suppers.

B. **Documentation for Immediate Family member by marriage:** The applicant must provide Picture Identification and a copy of his/her marriage license to the immediate family member that is a LTBB Citizen in good standing.

C. **Documentation for Proof of Residency:**

1. Homeowner Deed or Legal Title;
2. Notarized affidavit by landlord, Employer, Personal Tax Accountant stating your name and verifying to your residency for 15 or more years;
3. Any other documents that are accepted by the Enrollment Department that will assist in proving the length of residency.

IV. **Membership Rights of LTBB Indian Children adopted by Non-member Indian or Non-Indian Families:** An applicant who was adopted as a child must submit documentation proving that their natural parent(s) meet(s) the eligibility criteria in Article V. Membership 3. Any of the following may be used:

- A. A copy of the adoption decree together with either the original birth certificate identifying the natural parent(s) or a legal document identifying the natural parent(s).
- B. Certification from the Secretary of the Interior or his/her authorized representative pursuant to the Indian Child Welfare Act of 1978 (P.L. 95-

608) of the relationship between an applicant and the natural parent(s).

- C. When necessary, the Enrollment Department shall petition a government or government agency or department, or private adoption agency for the information necessary to establish the identity of the natural parents of the applicant.
- a. The Enrollment Department will complete the Petition for Adoption Information and Order form, or any other necessary forms, and submit it to the state court or private adoption agency where the adoption was finalized.
 - b. A copy of the Adoptive Birth Certificate, Order of Adoption and self-addressed return envelope will be submitted with the Petition. If required by the state court or private adoption agency, a copy of the applicant's request for LTBB Tribal citizenship will also be submitted.
 - c. If the state court requires a fee to file the Petition, the Enrollment Department shall notify the applicant that a money order made out to the state court will be needed before the Petition can be filed.
 - d. Upon receipt of the birth parent(s) information from the state court or private adoption agency, the research to determine degree of Indian blood and tribal affiliation will be done and if appropriate, a confidential Certificate Degree of Indian blood (CDIB) will be issued and maintained in the applicant's file. No birth parent information will be listed on the CDIB. Procedures for enrollment pursuant to Article V of the Constitution shall apply.
 - e. If the information received from the state court or private adoption agency does not trace to the Little Traverse Bay Bands of Odawa Indians, a denial letter stating that the applicant is not traceable will be issued to the applicant. In cases of denial the Enrollment Department will destroy information received from the state court or private agency after two (2) years.
 - f. If the Enrollment Department cannot continue with the blood quantum research because the natural parent(s) were not enrolled with LTBB, the Enrollment Department shall release the records to the Bureau of Indian Affairs, Midwest Agency, Sault Ste. Marie, MI for further research and attempted verification of blood quantum.

- i. In circumstances where the Enrollment Department is unable to receive the information necessary to issue a Certificate Degree of Indian Blood, documentation along with the enrollment application will be submitted to the Bureau of Indian Affairs requesting a CDIB. If the state court or private agency requires a fee to file the Petition, the Enrollment Department will notify the applicant that a money order made out to the state court or private agency will be needed before the Petition can be filed.
- ii. All fees are the responsibility of the applicant.

V. Increasing Blood Quantum (WOS 2008-006). Tribal citizens may file a request with the Enrollment Department to adjust their blood quantum; or the LTBB Enrollment Department may request a change in blood quantum if it discovers additional documentation.

- A. **Submission.** Tribal citizens requesting an adjustment to their blood quantum shall provide the Enrollment Department with documents supporting such an adjustment.
 1. Supporting documents may be any of those used in establishing eligibility for citizenship, or any other such documents acceptable to the Enrollment Department that may establish or prove blood quantum.
 2. The Enrollment Department shall submit received documents to the Citizenship Commission.
 - a. In cases where the Enrollment Department discovers documents which support a change in blood quantum, these documents shall also be submitted to the Citizenship Commission for review.
- B. **Review by Citizenship Commission.** The Citizenship Commission shall review submitted documents and make a determination on whether the submitted documents support a change in blood quantum.
 1. If the Citizenship Commission determines that the submitted documents do not support a change in blood quantum, the Citizenship Commission shall pass a motion stating that a change in the individual's blood quantum is not warranted and inform the individual of the reasons why their request for a blood quantum

change was denied.

2. If the Citizenship Commission determines that the submitted documents do support a change in blood quantum, the Citizenship Commission shall pass a motion stating that a change in the individual's blood quantum is warranted and the reasons why such a change is warranted.
3. Motions shall be presented to the Tribal Chairperson.

C. **Effective Date.** A blood quantum adjustment shall be effective upon the date of the motion by the Citizenship Commission supporting the blood quantum change.

1. Enrollment Staff will notify the LTBB Citizen of the decision made.

VI. Access to List of Citizens. Access to the list of citizens that have obtained approval shall be limited to Executive branch departments, entities and agencies and non-Executive branch departments, entities and agencies.

A. The List of Citizens will be a document listing all enrolled citizens and shall contain the following information:

1. First, Middle, Last Name, Suffix and where applicable Maiden Name;
2. Date of Birth;
3. Enrollment Number;
4. Address, City, State and Zip; and
5. Phone Number.

B. The List of Citizens shall contain the above information only and shall be subject to the safeguard provisions contained in WOS# 2008-006 Citizenship Statute, Section XIX. Records.

C. If any Executive department, entity or agency requests the List of Citizens the request must be in writing, must state the reason for the request and

must be approved by one of the following: the Tribal Chairperson, Vice-Chairperson or Tribal Administrator.

- D. Access to the List of Citizens by a non-Executive Branch department, entity, or agency must be requested in writing, must state the reason for the request, and must be approved by either the Tribal Chairperson, Vice-Chairperson or Tribal Administrator.

VII. Tribal Directory. The Directory of Citizens (“Directory”) shall contain the name and address of each adult Tribal citizen, unless they decline to be included pursuant to procedures set out below.

A. **Compilation:**

1. **Frequency.** The Directory shall be compiled at least once every (4) years, but may be compiled more frequently if so directed by the Executive.
2. **Notification.** The Enrollment Department shall notify all currently enrolled adult Tribal citizens that a Directory is being compiled. Such notification shall include the following:
 - a. Explanation of what the Directory is;
 - b. Statement that the Tribal citizen’s name and address will be published in the Directory;
 - c. Statement that Tribal citizen may choose to have their information excluded from the Directory and that they must notify the Enrollment Department directly by mail if they want to be excluded from the Directory; and
 - d. The Enrollment Department shall develop a standard form notice which includes all of the above information.
3. **Source List.** The Enrollment Department shall use the most current list of adult enrolled citizens to compile the directory, excluding any Tribal citizens who have notified the Enrollment Department that they do not want to be included in the Directory.
4. **Availability.** The Directory of Citizens or mailing labels may be provided to any Tribal citizen or employee of the Tribe making such request. Mailing labels must be provided by the requestee.

- a. The Directory shall be available to Tribal citizens and may be picked up at the Enrollment Department or upon request may be sent via U.S. mail.
5. **Cost.** The Enrollment Department shall charge a nominal fee to cover printing and other costs associated with the compilation, publication and distribution of the Directory. The fee shall be determined by the Enrollment Department.

CERTIFICATION

As Chairperson, I certify that I approve these Citizenship Regulations.

Date: _____
Frank Ettawageshik, Tribal Chairperson

Received by the Tribal Council Office on: _____ by: _____

As the Legislative Leader and Tribal Council Secretary, we certify that these Welfare of Adults Regulations were approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on, _____ at which a quorum was present, by a vote of ____ in favor, ____ opposed, ____ abstentions, and ____ absent.

Date: _____
Beatrice Law, Legislative Leader

Date: _____
Regina Gasco Bentley, Secretary